

## REMARKS

Claims 1 – 24, 26, 27, 32, 34, 40, 41, 48, 54, 55, 66 and 72 are amended.

Claims 21, 22, 24 – 26 and 62 are cancelled. No claims are added. Claims 1 – 61 and 63 - 72 are pending.

Following the August 23, 2005 Office Action, Examiner and Assignee's representative conducted a telephonic interview on October 21, 2005 initiated by Examiner regarding an amendment to in the Brief Description of the Drawings. A Supplemental Notice of Allowability was then mailed on October 21, 2005. In another telephonic interview conducted on November 21, 2005, Examiner informed Assignee's representative that the October 21 Supplemental Notice of Allowability was issued in error. Accordingly, Assignee is proceeding in this response with the understanding that status of this case is as indicated by the August 23 non-Final Office Action. In addition, the extent that Examiner's amendment as set forth in the October 21 Supplemental Notice of Allowability is no longer effective, Assignee amends the Brief Description of the Drawings to reference FIG. 4.

As set forth in the April 28, 2005 Notice of Allowance, claims 21, 22 and 24 – 26 were cancelled by Examiner's amendment authorized by Assignee's representative in an telephonic interview on January 21, 2005. Assignee inadvertently included these claims in the Preliminary Amendment filed in April 2005. To the extent that these claims are nevertheless pending in view of the August 23 Office Action, Assignee hereby cancels these claims by this response.

Assignee has amended certain claims to more clearly delineate intended subject matter without intending to limit the scope of such claims. Accordingly, such amendments should not be considered to be narrowing amendments. In fact, some amendments actually broaden the affected claims. Accordingly, no prosecution history estoppel should apply.

The Examiner objected to claim 24 as duplicating the term "the" in the phrase "plurality of the the incoming packets." This phrase has been amended to read – plurality of the incoming packets - -. The Examiner also objected to claims 32 and 66 as omitting periods. These claims have been amended to include periods.

The Examiner rejected claims 24, 25, 26, 35, 49 and 68 under 35 USC § 112, second paragraph, as being indefinite. This rejection is respectfully traversed.

The Examiner rejected claim 24 as not having antecedent basis for the phrase "the first fixed-the first-packet format." Assignee has amended this phrase to read - -the first packet format- -. The Examiner also rejected claims 24 and 25 as not having antecedent bases for phrase "the translator controller." Assignee has amended this phrase to read - -the transmission controller- -. Accordingly, Assignee respectfully submits that claims 24 and 25 are now in proper form.

Regarding claims 35, 49 and 68, the Examiner asserts that the limitations "including at least a portion of said common addressing data in said payload of said second format packet" is inconsistent with the limitations "omitting redundant common addressing data from said payload of said second format packet" set forth in related

parent claims 27, 41 and 55. Assignee respectfully points out that "including **at least a portion** of said common addressing data" is not necessarily inconsistent with "omitting **redundant** common addressing data." As such, it is possible to include **at least a portion** of common addressing data as set forth in dependent claims while omitting **redundant** common addressing data as set forth in the parent claims. Accordingly, Assignee respectfully requests that this rejection be withdrawn.

The Examiner has determined that claims 1 – 20 and 23 are allowed. Assignee thanks the Examiner for such prompt disposition of these claims. The Examiner also indicated that claims 34, 37, 40, 48, 51, 54, 70 and 72 recite allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 40, 54 and 72 have been amended to be in independent form to include at least some of the limitations of their respective base claims. Accordingly, Assignee respectfully submits that these claims are now in proper form for allowance.

The Examiner rejected claim 27 as being anticipated by U.S. Patent No. 5,946,313 to Allan et al. ("the '313 patent") under 35 USC § 102 (b). This rejection is respectfully traversed.

Claim 27 has been amended to include at least some of the limitations of claim 34 which the Examiner determined to recite allowable subject matter. Accordingly, Assignee respectfully submits that claim 27, and claims 28 – 39 depending therefrom, distinguish over the '313 patent.

The Examiner also rejected claim 41 as being anticipated by U.S. Patent No. 5,946,313 to Allan et al. ("the '313 patent") 35 USC § 102 (b). This rejection is respectfully traversed.

Claim 41 has been amended to include at least some of the limitations of claim 48 which the Examiner determined to recite allowable subject matter. Accordingly, Assignee respectfully submits that claim 41, and claims 42 – 53 depending therefrom, distinguish over the '313 patent.

The Examiner rejected claims 21, 24, 39, 53, 55 – 63, 67 – 69 and 71 as being obvious in view of the '313 patent and U.S. Patent No. 5,978,361 (the "'361 patent") under 35 USC § 103 (a). This rejection is respectfully traversed.


Assignee has amended claim 55 to include limitations similar to those which were added to claims 27 and 41. Accordingly, Assignee respectfully submits that claim 55, and claims 56 – 71 depending therefrom, distinguish over the '313 patent. Additionally, Assignee respectfully submits that the '361 patent does not make up the deficiencies of the '313 patent in meeting these limitations. Accordingly, Assignee respectfully submits that claim 55, and claims 56 – 71 depending therefrom, distinguish over the combination of the '313 and '361 patents.

In view of the foregoing amendments and remarks, the applicants respectfully submit that this application is in condition for allowance. However, if the Examiner finds an reason why this application is not in condition for allowance, the applicants request to contact the undersigned attorney by telephone at (310) 541-7832 to discuss the application.

Respectfully submitted,

Berkeley Law and Technology Group, LLC

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